

**BOARD OF APPEALS CASE NO. 5122**

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**BEFORE THE**

**APPLICANT: Welcome Home Freewill Baptist Church**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance and expansion of a non-conforming building to construct an addition;  
1303 Prospect Mill Road, Bel Air**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 2/7/01 & 2/14/01**

**HEARING DATE: April 2, 2001**

**Record: 2/9/01 & 2/16/01**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Welcome Home Freewill Baptist Church, is requesting approval for the expansion of a non-conforming structure pursuant to Section 267-21 of the Harford County Code, and a variance pursuant to Section 267-21B, to enlarge the structure more than the 50% of the gross square footage in use at the time of non-conformity in an RR/Rural Residential District.

The subject parcel is located at 1303 Prospect Mill Road, east of North Fountain Green Road (MD Route 543) and is more particularly identified on Tax Map 41, Grid 2D, Parcel 152. The parcel consists of 1.5± acres, is within the Third Election District and is zoned RR/Rural Residential District.

Appearing on behalf of the Applicant was William Childers, a member of the Church Renovation Committee and designee of the Applicant. The witness testified that the original church was built in 1949. The Church has enlarged several times over the years in order to accommodate a growing congregation. Expansions occurred, pursuant to validly issued permits in 1963, 1989 and 1992. The Church plans to enclose the passageway that presently exists between the two existing structures. The enclosure measures 20 feet by 16 feet but will create one building where two existed previously. The two existing bathrooms will be removed and replaced at the rear of the building. The result will be an enlarged vestibule area more handicapped accessible. Additionally, when the doors open the wind will not enter the main church building as it does today. The witness did not believe any adverse impacts would result from the enclosure of the passageway.

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The Department of Planning and Zoning conducted a thorough analysis of the request and recommends approval. There were no persons appearing in opposition to the request.

### **CONCLUSION:**

The Applicant is requesting approval for the expansion of a non-conforming structure pursuant to Section 267-21 of the Harford County Code, and a variance pursuant to Section 267-21B, to enlarge the structure more than the 50% of the gross square footage in use at the time of non-conformity in an RR/Rural Residential District.

Section 267-21 of the Harford County Code provides:

“The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:

- A. The proposed extension or enlargement does not change to a less-restricted and more-intense use.
- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity.
- C. The enlargement or extension does not violate the height or coverage regulations for the district.
- D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.
- E. The limitations, guides and standards set forth in § 267-9I, Limitations, guides and standards, are considered by the Board.”

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Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The following is a review of Section 267-9I, and comments of the Department of Planning and Zoning regarding each subsection:

Limitations, guides and standards. In addition to the specific standards, guidelines and criteria described in this Part 1 and other relevant considerations, the Board shall be guided by the following general considerations. Notwithstanding any of the provisions of this Part 1, the Board shall not approve an application if it finds that the proposed building, addition, extension of building or use, use or change of use would adversely affect the public health, safety and general welfare or would result in dangerous traffic conditions or jeopardize the lives or property of people living in the neighborhood. The Board may impose conditions or limitations on any approval, including the posting of performance guaranties, with regard to any of the following:

- (1) The number of persons living or working in the immediate area.

*The church has served the surrounding community and Harford County for over 50 years. The improvements to the property and buildings have been necessary to better serve the church membership and the growing communities in the area.*

- (2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.

*The existing and proposed facilities do not adversely effect traffic conditions in the neighborhood.*

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- (3) The orderly growth of the neighborhood and community and the fiscal impact on the county.

*It is common for smaller country churches to expand to better serve surrounding neighborhoods.*

- (4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.

*The proposed addition to the church will have no impact on the issues listed in this section.*

- (5) Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.

*Police protection will continue to be provided by the Local Sheriff's Department and Maryland State Police. Fire protection is provided by the Bel Air Volunteer Fire Department and the surrounding satellite sub-stations. Water and sewer is provided by on-site well and septic system. The Applicant is required to obtain a private hauler to dispose of the trash.*

- (6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices.

*The use is recognized by the Code as a permitted use in the RR/Rural Residential zone. The Church is only non-conforming to the required building setbacks.*

- (7) The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.

*The existing land use is a Church and cemetery, and the proposed addition is necessary to better serve the membership of the church and the surrounding community. There will be no impacts on other institutional uses in the area.*

- (8) The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.

*The proposal is consistent with the County's Master Plan.*

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- (9) The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.

*There are no environmental features that would be impacted by the proposed addition.*

- (10) The preservation of cultural and historic landmarks.

*Not applicable to the request.*

The Hearing Examiner concludes that the property is unique due in part to its non-conforming nature and the configuration of the lot, buildings and parking area. Essentially, the Applicant is seeking to put a roof over an existing passageway. The provisions of the Code will not be impaired in any way and there will be no adverse impact to adjacent properties as a result of the grant of the requested variance.

The Hearing Examiner recommends approval of the request subject only to the Applicant obtaining any and all necessary permits.

Date     MAY 7, 2001

William F. Casey  
Zoning Hearing Examiner